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3
4 BILL NO. Z-76-07-13

5 ZONING MAP ORDINANCE NO. Z-Kest

6 AN ORDINANCE amending the City
7 of Fort Wayne Zoning Map No. AA-4

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
9 OF FORT WAYNE, INDIANA:

10 SECTION 1. That the area described as follows is
11 hereby designated a B-1-A District under the terms of Chapter 36,
12 Municipal Code of the City of Fort Wayne, Indiana, 1946, as
13 amended by General Ordinance No. 2836 and amendments thereof;
14 and the symbols of the City of Fort Wayne Zoning Map No. AA-4,
15 referred to therein, established by Section 9, Article III
16 of said Chapter as amended, are hereby changed accordingly,
17 to-wit:

18 The North 7 feet of Lot No. 2 and all of
19 Lot No. 3 in Haller's Addition, commonly
20 known as 3201 Fairfield Avenue, generally
located on the southeast corner of Kinnaird
Avenue and Fairfield Avenue.

21 SECTION 2. This Ordinance shall be in full force
22 and effect from and after its passage, approval by the Mayor
23 and legal publication thereof.

24
25 
26 Councilman
27
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29
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33 APPROVED AS TO FORM
34 AND LEGALITY,
35 
M. J. Zorn
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Henta, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 7-13-76

Charles W. Stelzmann
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>0</u>	<u>9</u>			
<u>BURNS</u>		<u>✓</u>			
<u>HINGA</u>		<u>✓</u>			
<u>HUNTER</u>		<u>✓</u>			
<u>MOSES</u>		<u>✓</u>			
<u>NUCKOLS</u>		<u>✓</u>			
<u>SCHMIDT, D.</u>		<u>✓</u>			
<u>SCHIMDT, V.</u>		<u>✓</u>			
<u>STIER</u>		<u>✓</u>			
<u>TALARICO</u>		<u>✓</u>			

DATE: 9-14-76

Charles W. Stelzmann
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 1976.

ATTEST: (SEAL)

Charles W. Stelzmann
CITY CLERK

Charles W. Stelzmann
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Stelzmann
CITY CLERK

Approved and signed by me this _____ day of _____, 1976, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Stelzmann
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 13, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-07-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1976.

Certified and signed this
24th day of August, 1976.



Joseph N. Adair
Secretary

Bill No. Z-76-07-13

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. AA-4

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do not PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

G14-76 CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

John Nuckols
Vivian G. Schmidt
Winfield C. Moses, Jr.
Donald J. Schmidt

RECEIPT

Date

June 30 76

No.

6813.

Received From

Robert Henschel

Address

3201 Fairfield

Fifty dollars —

Dollars \$50 00

For

for reopening petition
for 3201 Fairfield

ACCOUNT	HOW PAID
AMT. OF ACCOUNT	CASH
50	
AMT. PAID	CHECK
50	#680
BALANCE DUE	MONEY ORDER

CITY PLAN COMMISSION
FORT WAYNE, INDIANA

 To be changed from R-2 to B-I-A

6-16-76

AA-4

L.S.

Z-76-07-13

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Receipt No. _____

Date Filed _____

Intended Use _____

I AM ROBERT H. HENCHEN

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana,
by reclassifying from ~~an R-2~~ district to ~~an~~ B1A district the
property described as follows:3301 FAIRFIELD N7' OF LOT 2 & ALL OF LOT 3
HALLER'S ADDITION

(Legal Description)

(General Description for Planning Staff Use Only)

I ~~AM~~, the undersigned, certify that I am ~~the~~ the owner(s) of fifty-one percentum
(51%) or more of the property described in this petition.
SUBJECT TO CLOSING IN APPROXIMATELY 30 DAYSROBERT H. HENCHEN1209 Wesley PlaceRobert H. Henschel

(Name)

(Address)

(Signature)

Legal Description Checked By: _____
(City Engineer)NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

(Name)

(Address)

(Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE,
INDIANA, 46802 Telephone Number: 423-7571

Z-76-07-13

August 16, 1976

TO: City of Fort Wayne Plan Commission

FROM: Neighboring Residents

RE: Proposed Zoning Change from R-2 to B1A at 3201 Fairfield Ave.

We the neighboring residents to 3201 Fairfield Ave. who have signed the attached petition , oppose the proposed change in zoning of this property from R2 to B1A for the following reasons:

- 1)The proposed change would be incompatible with the present surrounding land use which is residential in nature.
- 2)The possible uses of the requested zoning change would be detrimental to the surrounding neighborhood.
- 3)The proposed change would constitute spot zoning.
- 4)The parking facilities for the requested use would be inadequate. At present only 2½ spaces of off street parking are on the property. Additional parking would require curb cuts on Kinniard and extensive contruction. Also the existing parking situation is inadequate due to residential parking , Lutheran Hospital parking, and parking for the commercial establishments on Fairfield Ave.
- 5)The additional traffic resulting from the proposed change would cause further traffic congestion in the area.
- 6)A precedent has been set when in May 1975 the Plan Commission rejected a similiar change of use request.
- 7)The highest and best use of this property is that of a residential dwelling.

In view of the above objections, we the residents of the area do not feel the requested change to be in the best interest of our neighborhood and we oppose the change.

We the close by neighbors of
the property @ 3201 Fairfield and
do hereby register our opposition
to the rezoning of this property from
R 1 to B 1A.

(16)

Robert W. Gevers	448 Kinnaird Av.	8-8-76
Mrs. Robert Gevers	448 Kinnaird Av.	8-8-76
John Brundt	3126 Hoagland	8-10-76
John Brundt	3126 Hoagland	8-10-76
Judah Becker	3124 Hoagland Ave	8-10-76
Joe Keller	3106 Hoagland	8-10-76
Phyllis Keller	3106 Hoagland	8-10-76
Phyllis Smith	3110 Hoagland	8-11-76
Don Julian	3121 Hoagland	8-12-76
Peter M. Scott	3114 Hoagland	12 AUGUST 1976
William J. Scott	3114 Hoagland	17 Aug 15-76
<hr/>		
Nelma Anweiler	454 Kinnaird	Aug 15-76
Cathy Carpenter	413 Kinnaird	Aug 15-76
B. Cameron Sneering	3130 Hoagland	Aug 15-76
Charlotte Sneering	3130 Hoagland	Aug 15, 76
Joseph E. Beebe	3121 Hoagland Ave	Aug 15-76

We the close by neighbors of
the property @ 3201 Fairfield Ave
do hereby register our opposition to
the rezoning of this property from R.L.
to P.I.A.

(29)

1.	Rodney J Brannon	4413 Kinnaird	8-9-76
	Deborah A. Brannon	443 Kinnaird	8-9-76
	Willie Brannon	4825 S Saginaw	
	Domin Deal	3209 1/2 Fairfield	8-9-76
5.	Judy Davison	3209 Englefield	8-9-76
	John A. Duf	3209 Fairfield	8-9-76
	P. G. Meckstroth	440 Kinnaird	8-9-76
	Jim Texman	446 Kinnaird	8-9-76
	Theodore M. Texman	446 Kinnaird	8/9/76
10.	Kathy Kaufman	435 Kinnaird	8/9/76
	Kerry Kaufman	435 Kinnaird	8/9/76
	Lynn Rogers	3205 Fairfield	8/10/76
	Hill Rogers	3205 Fairfield	8/10/76
	Raezel Roberts	433 Kinnaird	8/10/76
15.	William M. Roberts	433 KINNAIRD AVE	8/10/76
	Stephan M. Roberts	436 Kinnaird Ave	8-10-76
	Mrs. I. M. Rhodes	436 Kinnaird Ave	8-10-76
	K. E. Horne	415 Englewood Ct.	8/10/76
	Chris Sauer	3919 Waukegan Rd.	8-10-76
20.	Paul Lebow	7845 Calumet Ave	8-11-76
	Paula Newman	7845 Calumet Ave.	8-12-76

We the close my residents to
3201 Fairfield and request that
this property be not rezoned from
R-2 to B-1A.

(19)

NAME	ADDRESS	DATE
Betty L. Lambert	423 W. Wildwood	8-11-76
Edred Bekeweg	417 W. Wildwood	8-21-76
Eleanor Rebenay	417 W. Wildwood Av	8-21-76
Cleardot Joles	421 W. Wildwood Ave	8-11-76
Ree Ann Cint	421 W. Wildwood Ave	8-11-76
Terry L. Cint	421 W. Wildwood Ave	8-11-76
Steve Dantek	423 W. Wildwood Av	8/11/76
Ella Gaskie	414 W. Wildwood	8/11/76
W Helen Jackson	414 W. Wildwood	8/11/76
Robert Uebel	414 W. Wildwood	8/11/76
Mrs Martha Fair	428 W. Wildwood	8/11/76
Mrs. Diana Fair	428 W. Wildwood	8/11/76
Donald H. Schaper	420 W. Packard	8/15/76
Nancy E. Schaper	420 W. Packard	8-15-76
David Yulas	447 W. Wildwood	8-15-76
Wm. A. Cleaver	3316 S. Harrison St.	8-15-76
Jewen Seely	3310 S. Webster	8-15-76
Peter Milentus	3317 S. Webster St.	8-15-76
William A. Pestonius	The Bee Tree	8-16-76

AUGUST 16, 1976

TO: CITY PLAN COMMISSION
FROM: FAIRFIELD NEIGHBORHOOD ASSOCIATION
Re: THE REZONING FROM "R2" TO "BLA" OF THE PROPERTY LOCATED AT 3201
FAIRFIELD AVE. AS SPECIFIED IN BILL NO. Z 76-07-13.

The Fairfield Neighborhood Association boundaries are Pontiac Street on the north, Darrow Ave. and Violet Court on the south, Calhoun Street on the east, and Fairfield Ave. on the west. While the homes in our area are zoned as two family ("R2") and multi-family ("R3") residences; yet, of the 730 units in our entire neighborhood approximately seventy five percent (75%) of the units are used as single family ("R1") dwellings. Only forty eight or 6.6% of the units are business places. A summary of the land use survey of our neighborhood is attached to this letter.

Our families care about their environment and their quality of life and are very much concerned about the encroachment of a business dwelling in our area. Our neighbors might well become discouraged about the stability of our neighborhood and move away. This would be bad for our neighborhood. Furthermore, "BLA" zoning permits many undesirable uses for a family neighborhood. We don't want them.

We neighbors of the Fairfield Neighborhood Association feel very strongly that we should have a choice of residential densities, neighborhoods and housing types where the individual may develop a sense of identity and belonging, satisfy our physical and economic residential needs and live according to the life style of our choice.

We need coordinated action and programs which prevent, contain, and treat neighborhood blight in a systematic manner. Future development in our area should be planned rather than being allowed to continue in a scattered pattern.

We respectfully urge the Commission to deny the zoning request to change 3201 Fairfield Ave. from an "R2" into a "BLA" zone.

Sincerely

Officers of the Fairfield Neighborhood Association

Robert W. Gevers / mth
Robert W. Gevers, President

Jean Buuck
Mrs. Al (Jean) Buuck, Secretary

W. A. Rectanus
Wm. A. Rectanus, Vice-President
Judy Beeber
Mrs. Joe (Judy) Beeber, Treasurer

c.c. Mr. Win Moses

Summary of Land Use Survey

(Completed March 16, 1976)

Description	No.	%
Owner occupied and single family	455	62.3*
Owner occupied and one apartment	28	3.8
Rentals to single families only	95	13.1*
Duplexes	46	6.3
Business Places	48	6.6
Parking Lots	20	2.7
Public Places	10	1.4
Vacant Houses and/or Lots	28	3.8
Totals	730	100

* 62.3% plus 13.1% equals 75.4% single family dwellings

Re: Bill Z 76 - 07 - 13

SOUTH CENTRAL ALLIANCE OF NEIGHBORHOOD ASSOCIATIONS

TO: Board of Zoning Appeals

FROM: SOUTH CENTRAL ALLIANCE OF NEIGHBORHOOD ASSOCIATIONS

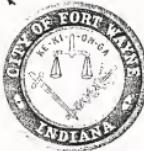
DATE: August 13, 1976

The South Central Alliance of Neighborhood Associations supports the Fairfield Association in their opposition to a zoning request. The Alliance voted August 9th to oppose a request to re-zone 3201 Fairfield from R-2 to B-1-A.

The Alliance agrees with the Fairfield Associations' feelings that a business at the aforementioned location would have a negative, rather than a positive, impact on the neighborhood.

Sincerely,


Jim Ogg
Chairman
South Central Alliance of
Neighborhood Associations



THE CITY OF FORT WAYNE
COMMUNITY DEVELOPMENT & PLANNING
division of long range planning and zoning

August 24, 1978



Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held August 23, 1976. In addition to the reasons outlined in the resolution, the following are addition remarks pertaining to the ordinance involved:

1. Bill No. Z-76-07-13
2. From "R2" to "B1A"
3. Intended use: Small gift shop and apartment
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- a. This block consists almost exclusively of residential uses permitted under the existing "R2" Zoning. The granting of this request would alter the residential character of the block. In addition, the increase in traffic contingent with the "B1A" rezoning would adversely affect several adjacent properties.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

Gary Baeten (pr)

Gary F. Baeten
Land Use Administrator

GFB:pr
ATT.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 13, 1976, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-76-07-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

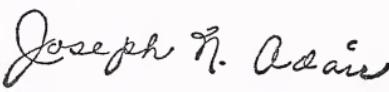
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 16, 1976;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 23, 1976.

Certified and signed this
24th day of August, 1976.



Joseph N. Adair
Secretary

 To be changed from R-2 to B-I-A

6-16-76

AA-4

L.S.

Z-76-07-13

Number assigned by Bill Salin's office: # 3249
DIGEST SHEET

Admn. Appr. _____

TITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-76-07-13

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the rezoning of the following described property:

The North 7 feet of Lot # 2 and all of Lot # 3 Haller's Addition, commonly known as 3201 Fairfield Avenue, generally located on the southeast corner of Kinnaird Avenue and Fairfield Ave.

From "R2" to "B1A"

EFFECT OF PASSAGE Property is presently zoned an "R2" District - Two family residential. Petitioners are requesting a "B1A" District - Limited Business.

EFFECT OF NON-PASSAGE PROPERTY WOULD REMAIN "R2"

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) Regulation Jttee